



Patient with Primary Diagnosis of Major Neurocognitive Disorder

GUARDIANSHIP (72-5-301, et. seq. (Promote and Protect))	MENTAL HEALTH COMMIT (53-21-101, et. seq.)
	
(Emergency) Treatment - 1-5 days <i>Court Approved</i>	Diversions Explored 1-2 weeks <i>No Court Order</i>
Doctor letter stating incapacitation (HB517 Requires diagnosis of neurocognitive disorder)	MH professional writes 1 st report seeking emergency detention to support commitment to WSSH/Lewistown
Petition for Temporary Guardianship <u>by any person interested in incapacitated person's welfare family has priority DPHHS (APS) 6 of 7 in priority and rarely act as Guardian.</u> (Emergency Not to exceed 6 months)	Review limited to County Attorney – family takes no part in decision
Court appoints a full or limited guardian Priority given to spouses, children, parents	Diversions explored by County Attorney
Court appoints attorney (Either Private or OPD)	Commitment Petition filed for a temporary 90 day commitment for treatment
Court sets hearing on permanent guardian in 6 months; May request a trial	Court appoints attorney (Usually OPD)
2 nd letter from Doctor re: incapacitation Permanent guardianship may continue indefinitely	Patient meets with attorney. In Re "KGF" requires vigorous defense, presumption is client does not wish to be involuntarily committed
Powers and duties specified in court order, unless limited may include:	1 st Court Hearing with Judge. Formal setting with patient's presence required.
Establish residence	Patient meets with Defense attorney
Care, Comfort and Maintenance, Training and Education Care of wards clothing, furniture, vehicles, other personal effects	Diversions are explored by Defense
<u>Give any consents or approvals necessary to receive medical or other professional care, counsel, treatment or service</u> May request order for mental health treatment but not longer than 72 hours	2 nd Evaluation by 2 professionals who then discussion commitment
	2 nd Court hearing. Patients presence required, unless they can voluntarily waive (which they cannot make this decision).
	Treatment (only at MSH or Lewistown)
	90 days then Recommit necessary
HB517 would allow Guardian to seek treatment for ward suffering from neurocognitive disorder	
Presently Full/ Limited guardian may not involuntarily commit for mental health treatment; For treatment of a developmental disability; For observation or evaluation if unwilling or unable to give informed consent to commitment	